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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA**

VICTOR EMEONYE

Plaintiff

v.

JOANN BARNHART, Commissioner,

Social Security Administration

Defendant

) Case No. 04-03386 SC

) STIPULATION AND ORDER

) FOR SUBSTITUTION OF

) PARTY (DEATH OF NAMED PLAINTIFF)

) (FRCiv.P., Rule 25(a), Local Rule 7-12 )

) (No hearing scheduled)

**STIPULATION**

The parties to this action, by and through their attorneys of record, hereby STIPULATE  
AS FOLLOWS:

Named Plaintiff Victor Emeonye is deceased. His surviving child, Thelma Brittany Emeonye, a minor child, with her mother, Connie Turner, as Guardian Ad Litem, may be substituted in his stead as named Plaintiff in this action. Nothing in this stipulation shall be construed as an admission of any issue regarding the merits of this action or Plaintiffs' claim for benefits under the Social Security Act.

Date: 8/13/07

/s/  
Tom Weathered, Attorney for Plaintiff

Case No. 04-03386 SC  
MOTION FOR SUBSTITUTION OF  
PARTY (DEATH OF NAMED PLAINTIFF) 1

1  
2 Date: 8/13/07

/s/

3 Geralyn Gulseth, Attorney for Defendant  
4 Commissioner, Social Security Admin.

5 ORDER

6 Having reviewed Plaintiffs Motion for Substitution of Party and the foregoing STIPULATION of  
7 the parties, the COURT FINDS that Plaintiffs Motion should be GRANTED. Thelma Brittany  
8 Emeonye is hereby substituted as Plaintiff in place of Victor Emeonye, deceased.

9 Date: 8/13/07

10 Samuel Conti, United States District Judge

